

AMENDED IN SENATE JUNE 17, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1558

**Introduced by Assembly Member Daucher
(Coauthors: Assembly Members Benoit, Shirley Horton,
La Suer, Maze, and Spitzer)**

February 21, 2003

An act to add Section 1596.602 to the Health and Safety Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1558, as amended, Daucher. Child care: health studios: trustline registry.

Existing law authorizes a child care provider, as defined, and any person providing in-home educational or counseling services to a minor who possesses any one of 4 identification cards to initiate a background examination process by submitting one set of fingerprints and a completed trustline application to the Department of Justice. Existing law requires the State Department of Social Services to establish a trustline registry and, upon submission of the trustline application and fingerprints, to enter into the trustline registry the provider's name and other specified information.

This bill would prohibit any person employed by, or volunteering at, a health studio from providing care for, or directly supervising, a child on behalf of or at the facility unless that person is registered as a trustline

child care provider. This bill would also require the facility to display a notice pertaining to these requirements that contains specified information, *and would require that specified provisions regarding the above requirements be included in health studio membership contracts.* This bill would not apply to nonprofit organizations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.602 is added to the Health and
2 Safety Code, to read:

3 1596.602. (a) Subject to subdivision (b), no person
4 employed by or volunteering at a health studio may provide care
5 for, or directly supervise, a child on behalf of or at the health studio
6 unless that person is a registered trustline child care provider in
7 compliance with this chapter.

8 (b) A person employed or volunteering on January 1, 2004, at
9 a health studio providing care for, or direct supervision of, a child
10 shall be required, as a condition of either employment with or
11 volunteering at the facility, to comply with subdivision (a) by July
12 1, 2004.

13 (c) A health studio facility to which subdivision (a) applies
14 shall display a notice that is visible to persons when dropping off
15 or picking up children. The notice shall contain all of the
16 following:

17 (1) (A) Prior to July 1, 2004, a statement that all employees
18 and volunteers of the facility are, or will, by July 1, 2004, be
19 registered trustline child care providers.

20 (B) On and after July 1, 2004, a statement that all employees
21 and volunteers of the facility are registered trustline child care
22 providers.

23 (2) A statement describing the trustline registry.

24 (3) The Web site address for the trustline registry.

25 (4) The telephone number for the trustline registry.

26 (d) *(1) A health studio shall include in its membership*
27 *contracts both of the following:*

28 *(A) A statement that all employees and volunteers of the*
29 *facility's child day care center, if any, who have direct contact with*
30 *children are registered trustline child care providers.*

1 (B) A statement that a health studio's failure to ensure that all
2 employees and volunteers of the facility's child day care center
3 who have direct contract with children are registered trustline
4 child care providers constitutes grounds for a person who has
5 entered a membership contract with the health studio to
6 immediately cancel the contract without penalty.

7 (2) A health studio membership contract shall include a
8 provision requiring the person purchasing a membership to
9 acknowledge in the contract, by signature or initials, as
10 appropriate, receipt of the statements specified in paragraph (1).

11 (3) Notwithstanding Section 1812.85 of the Civil Code, a
12 violation by a health studio of this subdivision shall constitute
13 grounds for a person who has entered a membership contract with
14 the health studio to immediately cancel the contract without
15 penalty.

16 (e) For purposes of this section, "health studio" means any
17 facility described in Section 1812.81 of the Civil Code.

18 ~~(e)~~

19 (f) This section does not apply to nonprofit organizations
20 exempt from taxation pursuant to Section 501(c)(3) of the Internal
21 Revenue Code, including, but not limited to, the YMCA and the
22 YWCA.

